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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,906	01/23/2004	Janet Marie Jewell	22864-00002	1905
27144	7590	04/26/2004	EXAMINER	
FOSTER, SWIFT, COLLINS & SMITH, P.C. 313 SOUTH WASHINGTON SQUARE LANSING, MI 48933			FERNSTROM, KURT	
			ART UNIT	PAPER NUMBER
			3712	
DATE MAILED: 04/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,906

Applicant(s)

JEWELL, JANET MARIE

Examiner

Kurt Fernstrom

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 20 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/23/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai in view of Morrissey. Lai discloses in Figure 1 and in column 2, line 18 to column 4, line 18 of the specification a device comprising a writing board 1 having removable fasteners 4 disposed along the edge thereof. While the fasteners 4 are not clips, Official Notice is taken that clips are a well known attachment means, and would have been an obvious variation on the suction cups disclosed by Lai to allow the user to attach the board to an object. Lai fails to disclose that the writing board comprises a support board with a notepad attached thereto. Morrissey discloses in Figures 1-7 and in column 2, line 56 to column 4, line 45 of the specification a device comprising a support board 28 which is removably attachable to an object, and a notepad assembly 10 attached to the support board. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Lai as viewed in combination with Morrissey by providing a notepad on the board for the purpose of allowing the user to write notes on sheets of paper. With respect to claim 2, Morrissey discloses in Figure 4, lines 16-29 that the notepad assembly is adhesively attached to

the support board. With respect to claims 4, 5, 9 and 12, Morrissey discloses a notepad having the claimed features. With respect to claims 6 and 13, Official notice is taken that spiral-bound notebooks are well known, as acknowledged on page 4 of applicant's specification, and would have been an obvious means of binding the pages of the notepad together. With respect to claims 7 and 10, Lai discloses in Figure 1 that a writing utensil 3 is releasably connected to the board.

Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai in view of Morrissey, and further in view of Lopez. Lai as viewed in combination with Morrissey discloses all of the limitations of the claims with the exception of the use of a hook and loop fastener to attach the writing utensil to the board. Lopez discloses in Figure 3 and in column 3, lines 14-20 of the specification a device comprising a writing board, wherein a writing utensil is attached to the board with a hook and loop fastener. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Lai as viewed in combination with Morrissey by providing a hook and loop fastener for the writing utensil for the purpose of allowing the user to easily attach and remove the writing utensil from the board.

Claims 14-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai in view of Morrissey, and further in view of Barron. Lai as viewed in combination with Morrissey discloses all of the limitations of the claims with the exception of the storage unit. Barron discloses in Figures 1-6 and in column 2, line 50 to column 4, line 57 of the specification a device comprising a support board for a notepad, further comprising a storage unit configured to receive the note board within its

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interior. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Lai as viewed in combination with Morrissey by providing a storage unit for the purpose of protecting the notepad from the elements. With respect to claim 16, Barron discloses in Figures 4 and 5 a writing utensil releasably attached to the storage unit. With respect to claim 17, Barron discloses in the figures a box construction.

Allowable Subject Matter

Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose or suggest a device having all of the limitations of claim 18. In particular, there is no disclosure or suggestion of a divider within the storage apparatus. The apparatus of Barron is designed for a single note board apparatus; it would be impractical to provide a divider therein. Owen discloses a storage device for display board having dividers; however, the operation of Owen is substantially different from that of Lai or Morrissey. Owen is directed to a display board for making presentations, rather than a note board to allow a user to jot down messages. There is no motivation or suggestion to combine the teachings of Lai or Morrissey with those of Owen to arrive at the claimed invention. As a result claim 18, and claim 19 which depends therefrom, contains allowable subject matter.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vaughn, Pardner, Gruebel, Gardner, Hill, Jacobson and La Coste disclose various writing boards.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (703) 305-0303. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KF
April 20, 2004

Kurt Fernstrom
Kurt Fernstrom